

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 12, 2008
POSITION: Neutral
SPONSOR: California Retail Food Safety Coalition, California
Association of Environmental Health
Administrators

BILL NUMBER: SB 1359
AUTHOR: G. Runner

BILL SUMMARY

This bill would make technical and nonsubstantive amendments to statutes regulating health and sanitation standards for retail food facilities.

FISCAL SUMMARY

Finance does not anticipate any cost associated with this measure since it only makes technical and nonsubstantive changes to California's retail food safety laws.

COMMENTS

Finance is neutral because this bill makes technical and nonsubstantive changes to current law, and it has no cost to the state.

ANALYSIS

A. Programmatic Analysis

Current law: The California Retail Food Code (CalCode) charges the Department of Public Health to regulate the health and sanitation standards for retail food facilities and gives local health agencies the primary responsibility for enforcing this code. The CalCode establishes the authority of local environmental health jurisdictions to adopt a food safety inspection with state oversight; establishes uniform food safety and sanitation requirements for local jurisdictions to follow; requires plans for new and remodeled food facilities to be submitted and approved by the local environmental health jurisdiction prior to operation; provides authority for the local jurisdiction to inspect, immediately suspend a permit, conduct hearings, take samples or other evidence, impound food or equipment, and issue reports; establishes standards for temperature control of potentially hazardous foods; requires that food be protected from contamination; establishes standards for sanitization; establishes requirements for food handler health and hygiene; and establishes standards for food service equipment, among other standards.

This Bill: This bill would revise the definition of egg, prepackage food, produce stand, and vermin, as specified. This bill would provide a description of the seven Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

This bill would repeal and reenact existing provisions that exempt specified facilities from the definition of a food facility for purposes of complying with the CalCode. This bill clarifies that premises set aside for wine tasting are exempt from the definition of food facility, if no food, other than crackers, are served, or beverages, other than bottles of wine and prepackaged non-potentially hazardous beverages, are sold for onsite consumption.

ANALYSIS (continued)

A. Programmatic Analysis (continued)

This bill would provide additional enforcement options available to a local health officer (LHO) or local environmental health department (LEHD) when a major violation is present at a retail food facility. This bill would revise the definition of temporary food facility to mean a food facility approved by the LHO that

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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR	AMENDMENT DATE	Form DF-43 BILL NUMBER
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G. Runner

June 12, 2008

SB 1359

operates at a fixed location for the duration of an approved community event or swap meet and only as part of the community event or swap meet.

This bill would exempt temporary food facilities that handle only prepackaged food, and whose food employees keep their hands and exposed portions of their arms clean, from the requirement to provide a handwashing facility, as specified. This bill would require the designated person in charge at all times when a food facility is in operation to have knowledge of safe food handling practices as they relate to the specific food preparation activities that occur at the food facility.

This bill would authorize a LHO or LEHD to immediately restrict or exclude any food employee from a facility or require any medical evaluation of any food employee with regard to notification of an illness that can be transmitted by food in a food facility or by a food employee of a food facility. This bill would prohibit any partitioning used to separate food facility operations from living or sleeping quarters located on the premises of a food facility from having doors or other openings.

This bill would also prohibit food stored in a private home from being used or sold in a food facility. This bill would clarify conditions under which potentially hazardous foods dispensed in serving lines and salad bars may be maintained.

This bill would require bulk food that is available for consumer self-service to be prominently labeled in plain view of the customer with either the manufacturer's or processor's label that was provided with the food, or a card, sign, or other method of notification, as specified. This bill would eliminate duplicative language in current law related to the prohibition of the storage of food, utensils, and equipment in toilet rooms.

This bill would make clarifying changes to the following provisions of CRFC: requirements governing the heating and cooling temperatures of food, including pasta or any other food stuffed with fish, meat or poultry; the separation of raw and cooked ready-to-eat food to prevent cross-contamination; manual and mechanical sanitization standards for equipment; and, nonconforming structural requirements for food facilities relative to plan reviews and permits.

Discussions: The author's office states that this bill is intended to make renumbering, technical, non substantive, and clarification changes to California's retail food safety laws.

B. Fiscal Analysis

Finance does not anticipate any cost associated with this measure since it only makes renumbering, technical, non substantive, and clarification changes to California's retail food safety laws.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2007-2008	FC	2008-2009	FC	2009-2010	Code
4265/PublicHealth	SO	No		-----	No/Minor Fiscal Impact	-----			0001